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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA (RENO)**

JENNIFER ANDERSON and
FREDRICK WAID, as the appointed co-
special administrators of the estate of
ROBERT ANDERSON JR.; JENNIFER
ANDERSON; JENNIFER ANDERSON,
as parent and guardian of M.R.A., a
minor; JENNIFER ANDERSON, as
parent and guardian of S.G.A., a minor,

Plaintiffs,

vs.

LYON COUNTY; and DOES 1-10,
inclusive,

Defendants.

Case No. 3:20-cv-00435-LRH-WGC

**DISCOVERY PLAN AND SCHEDULING ORDER
SPECIAL SCHEDULING REVIEW REQUESTED**

1. **Meeting:** Pursuant to FRCP 26(f) and LR 26-1(a), a telephonic meeting was held on October 19, 2020 and was attended by: Eric Valenzuela, Esq. for Plaintiffs; and Katherine F. Parks for Defendants.

The parties will exchange the initial disclosures within 14 days of the Rule 26-1 Conference in accordance with Rule 26(a)(C).

2. **Discovery Plan:** The parties jointly propose the following discovery plan:

- (a) **Subject of Discovery:** Discovery will be needed in the following subject: All claims set forth in the original complaint, as well as the defenses relevant to the action.
- (b) **Discovery Cut-off Dates:** The parties believe it is too early in the case to have a meaningful settlement discussion and given the current situation with COVID-19, the parties' request 180 days from the date of the exchange of the Initial Disclosures which is November 2, 2020, rather than the date the first defendant appeared, which was September 3, 2020. Therefore, the discovery cut-off date will be May 21, 2021.
- (c) **Disclosure of Experts:** Disclosure of experts shall proceed according to FRCP 26(a)(2), except that:
 - (1) the disclosure of experts and expert reports shall occur on March 22, 2021, which is sixty (60) days before the discovery cut-off date; and
 - (2) the disclosure of rebuttal experts and their reports shall occur on April 21, 2021 which is thirty (30) days before the discovery cut-off date.
- (d) **Alternative Dispute Resolution and Case Disposition:** Pursuant to LR 26-1(b)(8) and FRCP 73, the parties discussed trial by a magistrate judge and the possibility of alternative dispute resolutions and the Short Trial Program; the Plaintiff and the Defendant do not agree that any of the foregoing are appropriate for this case.
- (e) **FRCP 26-1(b)(9) – Electronic Evidence:** The parties certify that they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. Although not known at this time which exhibits will be electronically presented, the parties stipulate that they

1 will provide discovery in an electronic format compatible with the Court's
2 electronic jury evidence display system. The parties stipulate that they will
3 contact the courtroom administrator for instructions about how to prepare
4 evidence in an electronic format and other requirements for the Court's
5 electronic jury evidence system.

6 3. **Other Items**

7 (a) Amending the Pleadings and Adding Parties. The parties have until February
8 20, 2021 to file a motion to amend the pleadings or to add parties. This is
9 ninety (90) days before the discovery cut-off date and does not extend the
10 outside limit LR 26-1(e)(2) presumptively sets for ninety (90) days before the
11 discovery cut-off date of filing such motions.

12 (b) Interrogatories and Depositions: The parties agree to the customary total
13 number of interrogatories of 25 per party; the parties may agree to more
14 interrogatories by mutual agreement or application to the Court. The parties
15 also agree to no more than ten (10) depositions by Plaintiff and no more than
16 ten (10) depositions by Defendants as provided in Rule 30(a)(2)(A)(i).
17 However, the parties may agree to more depositions by mutual agreement or
18 application to Court.

19 (c) Dispositive Motions: The parties shall have until June 20, 2021 to file
20 dispositive motions. This is thirty (30) days after the discovery cut-off date
21 and does not exceed the outside limit of thirty (30) days following the
22 discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing
23 dispositive motions.

24 (d) Settlement: The parties have initially addressed the issue of settlement and
25 agree to continue to enter into meaningful negotiations prior to and during the
26 discovery phase of this litigation but both sides require exchange of initial
27 disclosures to properly assess their respective cases and defenses.
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- (e) The Pretrial Order: The pretrial order shall be filed by July 20, 2021 which is not more than thirty (30) days after the date set for filing dispositive motions in this case. This deadline is suspended if the dispositive motion is timely filed. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.
- (f) Court Conference: The parties do not request a conference with the court before the entry of the scheduling order.
- (g) Later Appearing Parties: A copy of the discovery plan and scheduling order shall be served on any person served after it is entered, or, if an additional defendant should appear within five days of their first appearance. This discovery plan scheduling order shall apply to such later appearing parties, unless the Court on motion for good cause shown, orders otherwise.
- (h) Extension or Modification of the Discovery Plan and Scheduling Order: LR 26-4 governs modifications or extensions of this discovery plan scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the subject deadline date and comply fully with LR 26-4.

Activity	Date
Amend Pleadings	<i>Tuesday, February 20, 2021</i>
Expert Disclosures	<i>Thursday, March 22, 2021</i>
Rebuttal Expert Disclosures	<i>Friday, April 21, 2021</i>
Discovery Cut-Off Date	<i>Monday, May 21, 2021</i>
Dispositive Motions	<i>Wednesday, June 20, 2021</i>
Pretrial Order	<i>Friday, July 20, 2021</i>

APPROVED AS TO FORM AND CONTENT:

1 DATED: 10/16/2020

DATED: 10/16/2020

2 THORNDAL ARMSTRONG DELK
3 BALKENBUSH & EISINGER

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Attorneys for Plaintiffs

11 ORDER

12 IT IS SO ORDERED

13 DATED this 20th day of October, 2020.

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15 William G. Cobb
16 UNITED STATES MAGISTRATE JUDGE
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